



CAG 5/7/01 10:09

3:99-CV-01504 BIRKNER V. HANDLERY HOTELS INC

\*36\*

\*STIPO.\*

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7 Attorneys for Third-Party Defendant, STERLING SIGNAGE, INC. DEPUTY  
8  
9

FILED  
01 MAY -4 PM 1:44  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By *[Signature]* DEPUTY

10 UNITED STATES DISTRICT COURT  
11 FOR SOUTHERN DISTRICT OF CALIFORNIA  
12  
13

14 KLAUDIA BIRKNER,

15 Case No. 99 CV 1504H LAB

16 Plaintiff,

17 v.

18 HANDLERY HOTELS, INC., a California  
19 corporation and DOES 1 through 10,  
20 inclusive,

21 STIPULATION RE DISMISSAL  
22 PURSUANT TO F.R.CIV.P.  
23 41(a)(1); ORDER THEREON

24 Defendants.

25 HANDLERY HOTELS, INC., a California  
26 corporation and DOES 1 through 10,  
27 inclusive,

28 Third-Party Plaintiff,

v.

STERLING SIGNAGE, INC.

Third-Party Defendant.

It is stipulated by and between the parties hereto that this action may be dismissed with prejudice as to all claims between HANDLERY HOTELS, INC. and STERLING SIGNAGE, INC., each party to bear his/its own attorneys' fees and costs. This stipulation is made as to the result of the settlement of this action.

Magistrate Judge Larry Burns shall retain jurisdiction over all disputes between (among) the parties arising out of the settlement agreement, including, but not limited to,

1 interpretation and enforcement of the terms of the settlement agreement.

2 **IT IS SO STIPULATED:**

3  
4 Dated: \_\_\_\_\_

CENTER FOR DISABILITY ACCESS, LLP

5  
6 By: \_\_\_\_\_  
7 Mark Potter, Esq.  
8 Attorneys for assignee of Third Party  
9 Claim

10 Dated: 5-2-01

MURCHISON & GUMMING

11 By: \_\_\_\_\_  
12 Kenneth H. Moreno  
13 Attorney for Third-Party Defendant and  
14 STERLING SIGNAGE, INC.

**ORDER**

15 Pursuant to the Stipulation of the Parties through their designated counsel, the  
16 above captioned action is dismissed, with prejudice, pursuant to F.R.CIV.P. 41(a)(1).  
17

18 Dated: 5/3/01

Maurin L. Huff

1 interpretation and enforcement of the terms of the settlement agreement.

2 **IT IS SO STIPULATED:**

3  
4 Dated: 5/2/01

CENTER FOR DISABILITY ACCESS, LLP

5  
6 By:   
7 Mark Potter, Esq.  
8 Attorneys for assignee of Third Party  
9 Claim

10 Dated: \_\_\_\_\_

MURCHISON & CUMMING

11  
12 By: \_\_\_\_\_  
13 Kenneth H. Moreno  
14 Attorney for Third-Party Defendant and  
15 STERLING SIGNAGE, INC.

16 **ORDER**

17 Pursuant to the Stipulation of the Parties through their designated counsel, the  
18 above captioned action is dismissed, with prejudice, pursuant to F.R.CIV.P. 41(a)(1).

19 Dated: \_\_\_\_\_

20 UNITED STATES DISTRICT COURT JUDGE

21  
22  
23  
24  
25  
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28

PROOF OF SERVICE

Short Case Name: BIRKNER V. HANDLERY HOTELS, et al

Case No.: 99-CV-1054H LAB

I, the undersigned, am over the age of eighteen years and am a resident of San Diego County, California; I am not a party to the above-entitled action; my business address is 1022 Pennsylvania Avenue, San Diego, CA 92101.

On May 2, 2001, I served the following document(s):

**STIPULATION FOR DISMISSAL**

Addressed to:

Kenneth H. Moreno  
MURCHISON & CUMMING  
Symphony Towers  
750 B Street, Suite 2550  
San Diego, CA 92101

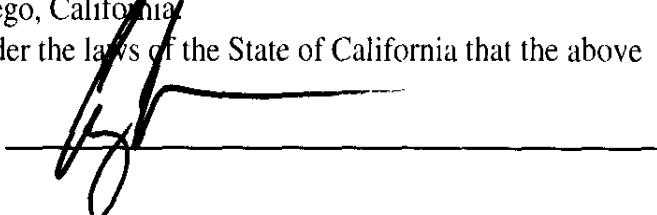
X (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at San Diego, California.

X (BY FACSIMILE) In addition to service by mail as set forth above, the counsel by whose name an asterisk is affixed on the attached service list were also forwarded a copy of said document(s) by facsimile.

       (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

Executed on May 2, 2001, at San Diego, California

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

A handwritten signature in black ink, appearing to read "KENNETH H. MORENO", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized initial 'K' and 'M'.